



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,273	09/05/2000	C. Douglass Thomas	CDTP006	8031

7590
C Douglass Thomas
1193 Capri Drive
Campbell, CA 95008

06/30/2008

EXAMINER

AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
----------	--------------

2164

MAIL DATE	DELIVERY MODE
-----------	---------------

06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/655,273	Applicant(s) THOMAS, C. DOUGLASS	
	Examiner Sana Al-Hashemi	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12, 16, 19, 20 and 22-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12, 16, 19, 20 and 22-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is issued in response to amendment filed 3/27/08.

Claims 6-12, 16, 19-20, 22-38 are pending. Claims 1-5, 13-14, 17-18, 21, were canceled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 37-38 are rejected under 35 USC 101 as defining an inoperable invention.

Claim 37: The preamble of claim 36 recites a "program storage device" and indicate that the device tangibly embodies a program. However, the "program storage device" is defined in applicant's specification at page 26, lines 28-32 as being "carrier waves" which are not tangible. Since it is impossible to reconcile the contradictory requirements of a tangible embodiment on an otherwise intangible medium, the claimed invention is inoperable.

Claim 38: Depends on claim 37.

Claims 6-12, 16-17, 19-20, 22-23, 33 and 37-38 are rejected under 35 U.S.C. 101 because the claimed invention is non-statutory.

Claim 19: Claim 19 is a method which results only in a determination. A determination is not a tangible result, and thus the claim is non-statutory. Additionally, the preamble of claim 1 states

Art Unit: 2164

that the invention is directed to a "program storage device" which is defined in applicant's specification at page 26, lines 28-32 as including "carrier waves" which are intangible. See *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998) for the requirement of a tangible result. The "producing copyright registration information" does not produce a tangible result, since it is merely the production of data inside of a computer and not a result which would be tangible to a user. Since the claims don't show what would be the next step in either if the copyright registration with the U.S. Copyright is needed or not. Clarification is required.

Claims 6-12, 16-17, 20, 22-23 and 33 depend from claim 19. Therefore they were rejected on the same bases.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11, 16, 19-20, 22-24, 27-31 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351).

Art Unit: 2164

Preliminary Note: Since claim 19 is the first independent claim of record, it is discussed first, followed by the discussion for the remaining claims of record.

Claim 19: Col. 6, lines 32-54 of Freivald et al. outline the steps of registering a web page document and comparing a currently available version of the web page document to an older archived version of the document. The comparison is accomplished by comparing a checksum of CRC values for each document. This checksum of CRC values are the claimed "page defining information" which are compared to produce a change indication. In response a to a sufficient degree of change, a determination is made for the need of an update action, such as a need for a correction of links (col. 13, line 65 through col. 14, line 10).

Freivald disclosed the Copyright registration in Col. 2, lines 49-53, the inventor's website. The Freivald does not clearly disclose the copyright registration or the steps of producing a copyright registration application. On the other hand, Glogau et al. teaches the general principle that a website may be copyrighted. In addition, Glogau teaches the concept of reviewing website content and then subsequently generating the form to initiate a U.S. copy right registration, which correlates to the claimed "registration application information".

It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to incorporate copyright registered documents in order to facilitate the protection of the intellectual property in those documents. It would further have been obvious to modify Freivald et al. to add copyright registration functionality to the web management system of Freivald et al. in order to provide intellectual property protection to the reviewed web documents, as taught by Glogau.

Claims: 6-11, 20, 22-24 and 27-31: The reasons for these rejections were set forth in the office action of July 13, 2005 and are hereby incorporated by reference.

Art Unit: 2164

Claim 16: Glogau teaches that a copyright registration is performed and that the registration may be on-line and interactive (col. 7, lines 9-14 of Glogau). The exact content of the registration, such as the claimed "references to previous registration" are non-functional descriptive material because they are merely referring to the text content within the registration. Non-functional descriptive material does not carry patentable weight. See *In re Ngai*, 367 F.3d 1336, 70 USPQ2d 1862 (Fed. Cir. 2004).

Claim 34: Within Freivald, the checksums of CRC values are compared in order to determine if sufficient change has occurred. The "threshold level" is the checksummed CRC value of either the older archived document or the recent document. Since a web user creates and/or modifies the documents that establishes these CRC values, these threshold levels are "user-alterable" as

Claim 35: The checksum of CRCs are the claimed "page defining information" for each document. This CRC value derives from the content of the document. The content of the document is an attribute of the document.

Claim 36: As seen in FIG. 7 of Freivald et al., each document can have a set of individual CRC values, one for each tagged section of the document. The individual CRC values can be read as individual weights, and each tagged section can be read as an attribute. Since the individual CRCs can be different, each attribute can be associated with a different weight.

Claims 37-38: See remarks for claim 19.

Claims 12, 25, 26, 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351) and further in view of Information Today.

The reasons for this rejection were set forth in the office action of July 13, 2005 and are hereby

incorporated by reference.

Response to Arguments

Applicant's arguments filed 3/27/08 have been fully considered but they are not persuasive.

Applicant traverse the 101 rejection since the “determination is not a tangible result, and thus the claim is non-statutory”.

Examiner disagrees. the claim recites "wherein said determining determines that another copyright registration with the U.S. Copyright is needed for the website when the amount or degree of content change exceeds a predetermined threshold". The limitation is not complete it does not clearly calls for what would be the next step if the determination find a website that needed to be register nor if the website does not meet the registration threshold. Therefore the rejection is maintained and finalized.

Applicant argues the combination of Freivald and Glogau does not teach “determining that copyright registration update is needed for a website based on the change indication”.

Examiner disagrees. The combination of Freivald and Glogau does disclose the argued limitation see Col. 2, lines 8-17, of Freivald.

Applicant argues the combination of Freivald and Glogau does teach the "comparing page defining information to determine whether a copyright registration update is needed.

Examiner disagrees. The combination of Freivald and Glogau does disclose the argued limitation see Col. 2, lines 8-17, of Freivald.

Applicant argues there is no motivation in combining the references.

Examiner disagrees. Since both references are from the same field of endeavor and the second reference improve the first system when combined to improve the performance which is acceptance of success. Therefore the Examiner believes the references are combinable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

Art Unit: 2164

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sana Al-Hashemi/
Primary Examiner, Art Unit 2164